

AUG 29 2017

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

JASON KESSLER,

Plaintiff,

v.

CITY OF CHARLOTTESVILLE,  
VIRGINIA, et al.,

Defendants.

Civil Action No. 3:17CV00056

**DISMISSAL ORDER**

By: Hon. Glen E. Conrad  
United States District Judge

This case is presently before the court on the plaintiff's notice of voluntary dismissal. Pursuant to Rule 41 of the Federal Rules of Civil Procedure, a plaintiff has an absolute right to voluntarily dismiss an action prior to service by the defendants of an answer or a motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(A)(i); see also Marex Titanic, Inc. v. Wrecked & Abandoned Vessel, 2 F.3d 544, 546 (4th Cir. 1993). Because no answer or motion for summary judgment has been filed in the instant case, the plaintiff is entitled to voluntary dismissal as a matter of right. Accordingly, it is hereby

**ORDERED**

that this action is **DISMISSED WITHOUT PREJUDICE** and shall be **STRICKEN** from the active docket of the court. See Fed. R. Civ. P. 41(a)(1)(B) ("Unless the notice [of voluntary dismissal] states otherwise, the dismissal is without prejudice.").

The Clerk is directed to send copies of this order to all counsel of record.

DATED: This 29<sup>th</sup> day of August, 2017.

  
United States District Judge